

1 Janine Jasso
2 P.O. Box 370161
3 El Paso, TX 79937
4 E-Mail: j9_jasso@yahoo.com
5 Plaintiff, IN PRO PER
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11 **UNITED STATES BANKRUPTCY COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION**
13

14 In Re: JAMIE LYNN GALLIAN

CASE NO. 8:21-bk-11710-SC

Chapter 7

Adversary No. 8:21-ap-01096-SC

15 JANINE JASSO, an individual,

16 Plaintiff,

17 v.

18 JAMIE LYNN GALLIAN, an individual; J-
19 PAD, LLC, a California Limited Liability
20 Company, J-Sandcastle Co LLC, a
21 California Limited Liability Company, and
22 DOES 1 through 100, inclusive,

23 Defendants.
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**MOTION TO CONTINUE PRE-TRIAL
CONFERENCE AND OTHER DATES TO
CONSERVE COURT RESOURCES;
DECLARATION OF JANINE JASSO IN
SUPPORT THEREOF**

Current Pre-Trial Conference

Hearing: November 15, 2022

Time: 1:30 p. m.

Courtroom: 5C – Virtual

Motion for Partial Summary Judgment also
being heard on 11.15.22, 1:30pm

New Pre-Trial Conference

Hearing: TBD

Time: 1:30 p.m.

Courtroom: 5C - Virtual

28 TO THE HONORABLE SCOTT CLARKSON, UNITED STATES BANKRUPTCY JUDGE,

1 DEFENDANT AND HER AND TO ALL PARTIES ENTITLED TO RECEIVE NOTICE:

2 This Motion to Continue Pre-Trial Conference and Other Dates (the "Motion") is filed by
3 Plaintiff, Janine Jasso ("Plaintiff"). This Motion is made with reference to the following
4 recitals:

5 1. On or about July 9, 2021, Jamie Lynn Gallian ("Debtor") filed a voluntary
6 petition under Chapter 7 of the Bankruptcy Code.

7 2. Plaintiff timely filed and served a First Amended Complaint (the "Complaint")
8 in the above captioned adversary proceeding on November 16, 2021 (the "Adversary
9 Proceeding").

10 3. The Adversary Proceeding was commenced pursuant to Rules 7001(4) and (6)
11 of the Federal Rules of Bankruptcy Procedure and 11 U.S.C. §§ 523(a)(7) and (a)(2)(A) and
12 727(a)(3), (a)(4), and (a)(5)

13 4. On December 10, 2021, Debtor filed her answer to the Complaint [Docket No.
14 13].

15 5. On December 17, 2021, Debtor filed answers in pro per to the Complaint on
16 behalf of the corporate defendants, J-Sandcastle Co LLC and J-Pad, LLC. [Docket Nos. 14,
17 15, 16, 17 and 18].

18 6. On September 20, 2022, Plaintiff moved the Court to strike the pro per answers
19 and enter the default of business entity defendants, J-Sandcastle Co LLC and J-Pad, LLC,
20 which was uncontested. [Docket 40.] On October 25, 2022, the Court granted Plaintiff's
21 motion. [See the Court's October 25, 2022 Tentative Ruling; Declaration of Janine Jasso
22 ("Jasso Decl."), ¶8.] Plaintiff lodged an order with the Court [Docket 53] and will shortly file
23 a motion to request the defendants' default judgments. Plaintiff believes this is a dispositive
24 motion for Plaintiff's second through fifth causes of action, which will conserve the Court's
25 resources. Therefore, Plaintiff needs additional time to complete the default judgment process.
26 [Docket 6, Plaintiff First Amended Complaint, pp. 15-22; Jasso Decl. ¶8.]
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1 7. On September 29, 2022, Plaintiff moved the Court for a partial summary
2 judgment regarding Plaintiff's first cause of action, the nondischargeable state criminal
3 restitution order and judgment. [Docket 47.] This motion is scheduled to be heard by the
4 Court on November 15, 2022 at 1:30 p.m. If granted, the motion is dispositive of the
5 Plaintiff's first cause of action, which would also conserve Court resources. See Docket 6,
6 Plaintiff First Amended Complaint, p. 15; Jasso Decl. ¶9.]

8 8. To protect Plaintiff and my family under the current restraining orders' no-
9 contact orders, each party is required by the Court to prepare individual pre-trial conference
10 statements. Plaintiff began preparing the statements in compliance with the Court's orders. I
11 stopped when the Court granted the motion to strike the Defendant LLCs' answers and
12 guidance from the Santa Ana Bankruptcy Clinic. They working on providing an attorney to
13 assist me. The Debtor has not filed pre-trial conference statements. [Jasso Decl. ¶10-11.]

15 9. In the interest of efficiency for all the parties and for the Court, Plaintiff
16 requests a continuance of the pre-trial conference for ninety (90) days or as the Court deems
17 appropriate to allow Plaintiff to complete the proceedings related to the defendants' default
18 judgments and the partial summary judgment of defendant, Jamie Lynn Gallian, which
19 Plaintiff believes will resolve all of the causes of action for this case. [Jasso Decl. ¶12.]

21 10. This motion does not constitute a waiver of any rights.
22 **WHEREFORE**, based on the foregoing recitals, Plaintiff requests the hearing on the Pre-
23 Trial Conference and related dates to be continued for ninety (90) days or as the Court deems
24 appropriate.

25 DATED: November 1, 2022

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Janine Jasso
In Pro Per

DECLARATION OF JANINE JASSO

I, Janine Jasso, declare and state:

1. I am over the age of eighteen (18), have personal knowledge of the facts stated herein and except as to those matters stated upon information and belief, I believe them to be true. I could and would testify to said facts if sworn as a witness in this proceeding.

2. This declaration is in support of the Motion to Continue the Pre-Trial Conference (the "Motion").

3. On or about July 9, 2021, Jamie Lynn Gallian ("Debtor") filed a voluntary petition under Chapter 7 of the Bankruptcy Code.

4. I timely filed a First Amended Complaint (the "Complaint") in the above captioned adversary proceeding on November 16, 2021 (the "Adversary Proceeding").

5. The Adversary Proceeding was commenced pursuant to Rules 7001(4) and (6) of the Federal Rules of Bankruptcy Procedure and 11 U.S.C. §§ 523(a)(7) and (a)(2)(A) and 727(a)(3), (a)(4), and (a)(5).

6. On December 10, 2021, Debtor filed her answer to the Complaint [Docket No. 13].

7. On December 17, 2021, Debtor filed J-Sandcastle Co LLC's and J-Pad, LLC's answers to the Complaint in pro per as the sole member of the corporate defendants. [Docket Nos. 14, 15, 16, 17 and 18].

8. On September 20, 2022, I moved the Court to strike all of the answers of these two corporate defendants and request for their defaults to be entered. The motion was uncontested. The Court granted my motion on October 25, 2022. I am now preparing a motion for default judgment related to the Complaint's second through fifth causes of action, which I believe is a dispositive motion for these claims. Per this Court's request, I have asked for help from the Santa Ana Bankruptcy clinic. I was instructed to request a continuance of the

1 pre-trial conference so that the clinic could schedule an attorney to help me with the default
2 judgment.

3 9. On September 29, 2022, I moved the Court for partial summary judgment
4 regarding the Complaint's first cause of action regarding the California criminal restitution
5 order and judgment. The Court is scheduled to hear this motion on November 15, 2022. The
6 motion is uncontested. If the Court grants this motion, I believe is a dispositive motion for the
7 Complaint's first cause of action.
8

9 10. In February 2022 and after (Docket Nos. 28, 34, 35), the Court ordered each
10 party to complete individual pre-trial conference statements in compliance with the multiple
11 restraining orders protecting me and my family from the Debtor. I began preparing pre-trial
12 conference statements, but I stopped when the Court granted the motion to strike the answers
13 of the Defendant LLCs as described in paragraph 8 above because of the need to file a motion
14 for default judgment against parties in this case.
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16 11. The convicted Debtor has not filed any individual pre-trial conference
17 statements.

18 12. Based on paragraphs 8 and 9, above, I believe that all claims in this adversary
19 case may be resolved without utilizing the court's resources for pre-trial hearings, evidentiary
20 motions and a trial on the merits, which will conserve court resources.
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22 I declare under penalty of perjury under the laws of the United States of America that
23 all of the foregoing is true and correct.

24 Executed this 1st day of November 2022 at El Paso, Texas.

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27 Janine Jasso
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3 El Paso, TX 79937
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5 Plaintiff, IN PRO PER
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11 **UNITED STATES BANKRUPTCY COURT**
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18 JAMIE LYNN GALLIAN, an individual; J-
19 PAD, LLC, a California Limited Liability
20 Company, J-Sandcastle Co LLC, a
21 California Limited Liability Company, and
22 DOES 1 through 100, inclusive,

23 Defendants.
24

**(PROPOSED) ORDER GRANTING
MOTION TO CONTINUE PRE-TRIAL
CONFERENCE AND OTHER DATES**

Current Pre-Trial Conference

Hearing: November 15, 2022
Time: 1:30 p.m.
Courtroom: 5C -Virtual.

New Pre-Trial Conference

Hearing: February 28, 2023
Time: 1:30 p.m.
Courtroom: 5C -Virtual.

25 The Court having reviewed the motion to continue the pre-trial conference filed on
26 November 1, 2022 as Docket No. 54, and for good cause appearing,

27 IT IS ORDERED:

28 1. The Motion is granted; and

2. The Pre-Trial Conference scheduled for November 15, 2022, at 1:30p.m. is hereby CONTINUED to February 28, 2023 at 1:30 p.m. in Courtroom 5C of the United States Bankruptcy Court.

###

Date: November , 2022

Scott C. Clarkson
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
7101 N. Mesa, Ste 355
El Paso, TX 79912

A true and correct copy of the foregoing document entitled (*specify*): Motion to Continue Pre-Trial Conference and Other Dates to Conserve Court Resources; Declaration of Janine Jasso in Support Thereof will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 11/01/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See NEF for confirmation of electronic transmission to the U.S. trustee, any trustee in this case, and to any attorneys who received service by NEF.

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (date) 11/01/2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR AND DEFENDANT
JAMIE LYNN GALLIAN
16222 MONTEREY LANE, SPC 376
HUNTINGTON BEACH, CA 92649

DEFENDANT J-PAD, LLC
ROBERT L MCLELLAND, CEO
16222 MONTEREY LANE, SPC 376
HUNTINGTON BEACH, CA 92649

DEFENDANT J-SANDCASTLE CO LLC
RONALD J PIERPONT, CEO
16222 MONTEREY LANE, SPC 376
HUNTINGTON BEACH, CA 92649

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

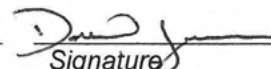
Document Delivery to Court Suspended General Order 21-05

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11-01-2022
Date

David Jasso
Printed Name


Signature